



SUSANA MARTINEZ  
Governor

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## NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE  
Cabinet Secretary-Designate

J. C. BORREGO  
Deputy Secretary

### **Certified Mail – Return Receipt Requested**

February 7, 2017

Ms. Valerie Maes  
Owner  
Sandia Marble  
1424 1st St NW  
Albuquerque, NM 87102

**Re: Sandia Marble, Unpermitted Discharge/MSGP; SIC 3281; NPDES Compliance Evaluation Inspection; NPDES #NMU001929; January 12, 2017**

Dear Ms. Maes:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

NPDES Enforcement Coordinator  
Environmental Protection Agency, Region 6  
NPDES Enforcement Branch (6EN-WM)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau (N2050)  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

**Sandia Marble, NPDES # NMU001929**

**February 7, 2017**

**Page 2 of 2**

David Long is USEPA Region 6's Acting NPDES Enforcement Coordinator at the above address. If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

*/s/ Sarah Holcomb*

Sarah Holcomb  
Acting Program Manager  
Point Source Regulation Section  
Surface Water Quality Bureau

cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
David Long, USEPA (6EN-WM) by e-mail  
Robert Houston, USEPA (6EN)  
Darlene Whitten-Hill, USEPA (6EN) by e-mail  
Bill Chavez, NMED District I by e-mail  
Justin Ball, NMED-GWQB by e-mail  
Frank Rodarte, NMED-HWB by e-mail



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 [N] 2 [5] 3 [N] [M] [U] [0] [0] [1] [9] [2] [9]	11 12 [1] [7] [0] [1] [1] [2]	17	18 [~]	19 [S] 20 [1]	
Remarks					
[G] [L] [A] [S] [S] [C] [L] [A] [Y] [C] [E] [M] [E] [N] [T] [A] [N] [D] [S] [T] [O] [N] [E]					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 [ ] [ ] [ ] 69	70 [1]	71 [N] 72 [N]	73 [ ] [ ] [ ] 74 75 [ ] [ ] [ ] [ ] [ ] [ ] 80		

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 2:15pm 1-12/17	Permit Effective Date June 4, 2015
Sandia Marble 1424 1 <sup>st</sup> St NW, Albuquerque, NM 87102  Take Lomas exit from I-25 S Continue on Frontage Rd S. Take Mountain Rd NE to 1st St NW Bernalillo County	Exit Time/Date 3:30 1-12-17	Permit Expiration Date June 4, 2020
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Ms. Valerie Maes, Owner, 505-924-2155 Mr. Abel Larranaga, 505-924-2155	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number  Ms. Valerie Maes, Owner 1424 1 <sup>st</sup> St NW Albuquerque, NM 87102	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	SIC 3281 Cut Stone and Stone Products Sector E

### Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
U	Effluent/Receiving Waters	N	Laboratory	N	Storm Water	N	Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

See attached sheets for further details.

Name(s) and Signature(s) of Inspector(s) Jennifer Foote /s/ Jennifer Foote	Agency/Office/Telephone/Fax NMED/SWQB 505-827-0596	Date 2/7/17
Signature of Management QA Reviewer Sarah Holcomb, Acting Program Manager /s/ Sarah Holcomb	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 2/7/17

**Sandia Marble**  
**Compliance Evaluation Inspection**  
**NPDES Permit No. NMU001929**  
**January 12, 2017**  
**Further Explanations**

**Introduction**

On January 12, 2017, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote accompanied by Daniel Valenta, both of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at Sandia Marble. The inspection was conducted in response to a complaint received by NMED, the inspectors were also accompanied by NMED Hazardous Waste Bureau and NMED Groundwater Bureau personnel. The purpose of this inspection was to document the operator's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and U.S. Environmental Protection Agency (USEPA) industrial stormwater Multi-Sector General Permit (MSGP) and the facility's status regarding process wastewater under regulation 40 Code of Federal Regulations Part 122.

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

**Inspection Details**

Inspectors arrived at this facility around 2:15 pm and discussed the activities at the facility with Mr. Abel Larranaga, Manager. The business was described as primarily manufacturing and wholesale of stone products. Ms. Foote presented credentials and discussed the purpose of the inspection. Inspectors then toured the facility with Mr. Larranaga followed by an exit interview at 3:30 pm with Mr. Larranaga and Ms. Valerie Maes, owner.

**Federal Clean Water Act (CWA) and Industrial Stormwater Permit Requirements**

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

Eleven (11) categories of stormwater discharges associated with industrial activity are identified in 40 CFR 122.26(b)(14)(i)-(xi) that require coverage under an NPDES permit. Industrial stormwater has been regulated since the promulgation of USEPA's 1990 stormwater regulations, which established NPDES permit requirements for "stormwater discharges associated with industrial activity."

USEPA's first MSGP for stormwater discharges associated with industrial activity was published on September 29, 1995 (Federal Register Volume 60, No. 189 on Friday 29, 1995, page 50953), and has since been reissued in 2000, 2008 and the current USEPA 2015 MSGP was re-issued effective June 4, 2015 (Federal Register/Vol. 80, No. 115/Tuesday, June 16, 2015 pg. 34403).

To obtain permit coverage under the MSGP, an operator must complete, or update, a Stormwater Pollution Prevention Plan (SWPPP) that documents eligibility for permit coverage, and submit a notice of intent (NOI) to the USEPA. Among other things, requirements in the MSGP include site-specific best management practices (BMPs), maintenance plans, inspections, employee training and annual reporting. BMPs include good housekeeping practices, minimizing exposure, erosion and sediment control, and management of runoff. The MSGP also requires visual, and, for some sectors, analytical monitoring to determine the effectiveness of implemented BMPs.

An industrial facility with its industrial materials and activities protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff is eligible for an exemption from NPDES industrial stormwater permit requirements. A no exposure certification must be provided to the permitting authority for each facility qualifying for the permitting exclusion. To retain the exclusion, you must recertify the condition with the permitting authority at least every five years. Additional information can be found at: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#exclusion>.

## Findings

1. The facility had a system of tanks on the outside of the building to settle out cutting water and recycle it back into the building. There was staining on the asphalt indicating that the system sometimes overflows towards the street and the city storm sewer system when it freezes or otherwise malfunctions. The system also has a drainline to the railroad right of way and was discharging water at the time of the inspection (Photos 1-2). The facility estimated they use about 10 gallons of water a day through this system. This facility does not have NPDES permit coverage for the discharge of process water from stone cutting operations.

On 1/13/17 the facility sent photos to confirm they had removed the system and halted the discharge (attachment 1).

2. The facility activities fall under MSGP Sector E, Glass, Clay, Cement, Concrete, and Gypsum Products (which includes cut stone and stone products). The facility had one uncovered dumpster exposed to stormwater. In addition, the facility had an outdoor system of tanks to settle out cutting water and recycle it back into the building (as stated above it was removed on 1/13/17). All other activities and materials at the site were indoors or protected from exposure to stormwater.

The facility was not aware of the need for coverage under the MSGP. On 2/6/17 Ms. Maes sent a follow up email to the inspector stating they had obtained their No Exposure Certification (Permit # NMNOE3458).

**NMED/SWQB  
Official Photograph Log  
Photo # 1**

Photographer: Daniel Valenta	Date: 1/12/17	Time: 2:40pm
City/County: Albuquerque/Bernalillo		State: New Mexico
Location: Sandia Marble		
Subject: Water from cutting stone and floor trench system to drain pipe		



**NMED/SWQB  
Official Photograph Log  
Photo # 2**

Photographer: Daniel Valenta	Date: 1/12/17	Time: 2:50 pm
City/County: Albuquerque/Bernalillo	State: New Mexico	
Location: Sandia Marble		
Subject: recycle/settling basins, some white staining on pavement from overflow running towards street.		



**NMED/SWQB  
Official Photograph Log  
Photo # 3**

Photographer: Daniel Valenta	Date: 1/12/17	Time: 2:58 pm
City/County: Albuquerque/Bernalillo		State: New Mexico
Location: Sandia Marble		
Subject: discharge pipe to railroad right of way		



**NMED/SWQB  
Official Photograph Log  
Photo # 4**

Photographer: Daniel Valenta	Date: 1/12/17	Time: 2:51pm
City/County: Albuquerque/Bernalillo	State: New Mexico	
Location: Sandia Marble		
Subject: Dumpster exposed to stormwater		



# Attachment 1

Photographer: Sandia Marble	Date: Approx 1/13/17	
City/County: Albuquerque/Bernalillo		State: New Mexico
Location: Sandia Marble		
Subject: documentation that tanks have been removed		



Photographer: Sandia Marble	Date: Approx 2/6/17	
City/County: Albuquerque/Bernalillo	State: New Mexico	
Location: Sandia Marble		
Subject: documentation that dumpster has been covered		

